

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

**IN RE THE COMPLAINT AND PETITION OF
COSTAR SAILING, LLC, AS OWNER, AND J&J
YACHT SERVICES, LLC, AS OWNER PRO HAC
VICE/OPERATOR, OF THE S/V CARPE AURA,
HULL #: FPA54253I819 AND OFFICIAL NO.
1291579**

CIV. NO. 3:21-CV-0059

**ACTION IN ADMIRALTY FOR
LIMITATION OF LIABILITY
PURSUANT TO RULE 9(H)**

REQUEST FOR ENTRY OF DEFAULT

Now come Costar Sailing, LLC and J&J Yacht Services, LLC (“Petitioners”), and request that the Clerk of Court enter a default in this matter in accordance with Fed. R. Civ. P. 55(a) against “all persons, other than Edward Morea or Cindy Morea, with a claim against Costar Sailing, LLC and/or J&J Yacht Services, LLC arising out of the explosion on April 16, 2021 on board the S/V CARPE AURA as more fully described in the Complaint and Petition for Exoneration from and/or Limitation of Liability filed in this matter (Doc. No. 1).”

BACKGROUND

On July 31, 2021, Petitioners filed a “Complaint and Petition for Exoneration from and/or Limitation of Liability” (“the Complaint”) in this matter (Doc. No. 1) in which they sought to compel any person or entity with a claim against either (or both) of them arising out of an explosion on April 16, 2021 on board the S/V CARPE AURA. In the Complaint and accompanying Ex Parte Motion for Entry of Order and Approving Ad Interim Stipulation, Issuing Monition to Claimants and for Related Matters” (Doc. No.

2), Petitioners sought a “monition” (“the Notice”) directing that anyone having a claim relating to the incident described in the Complaint appear and file a claim in this matter within 30 days of the final publication of the monition in the manner directed by the Court.

On October 4, 2021, this Court entered an Order (Doc. No. 4) which directed that the Notice be issued under the seal of the Court directing all persons asserting claims with respect to Petitioners’ Complaint file an Answer to the Complaint with the Clerk of Court within 30 days after issuance of the Notice and to serve a copy of such Answer upon counsel for Petitioners, “or be defaulted.” The Court further ordered Petitioners to publish the Notice in the Virgin Islands Daily News as required by Supplemental Rule F of the Federal Rules of Civil Procedure. Thereafter Edward and Cindy Morea filed an Answer and Claim. Doc. No. 5.

The Notice was issued by the Clerk of the Court on January 13, 2022. Petitioners thereafter caused the Notice to be published in the Virgin Islands Daily News on February 9, 15, 21, and 28, 2022 in accordance with Supplemental Rule F and filed proof of such publication on April 14, 2022. Other than Edward and Cindy Morea, no party filed a claim or answer to the Petition with the Court or served a copy of a claim or answer to the Petition with undersigned counsel.¹

Wherefore, in accordance with the Court’s Order (Doc. No. 4), Petitioners are

¹ By signing this Request for Entry of Default, undersigned counsel affirms, subject to the penalties of perjury, that the factual statements in this document are true and correct.

entitled to, and request, the entry of default against all persons, other than Edward Morea or Cindy Morea, with a claim against Costar Sailing, LLC and/or J&J Yacht Services, LLC arising out of the explosion on April 16, 2021 on board the S/V CARPE AURA as more fully described in the Complaint and Petition for Exoneration from and/or Limitation of Liability filed in this matter (Doc. No. 1).

A proposed entry of default is filed with this request for the convenience of the Court.

Respectfully submitted,

ANDREW C. SIMPSON, P.C.
Attorneys for Petitioners

Dated: April 12, 2024

/s/ Andrew C. Simpson
Andrew C. Simpson (VI Bar 451)
2191 Church St., Ste. 5
Christiansted, VI 00820
(T) 340-719-3900
asimpson@coralbrief.com